

REMARKS

The Examiner is thanked for his careful and thorough Office Action, and is thanked for the identification of allowable subject matter.

Claims 1-30 are pending in the present application. Claims 11, 14, 19, 22, 25, and 30 are allowed; and claims 1-10, 12, 13, 15-18, 20, 21, 23, 24, and 26-29 were rejected.

Reconsideration of the claims is respectfully requested.

Claim Rejections -- 35 U.S.C. § 102

Claims 1-8 were rejected as anticipated by Fattouche *et al.* (USP 5,282,222, hereinafter "Fattouche"). These rejections are traversed.

Claim 1 requires "each wireless data traffic channel for carrying high speed data in addressed data packets to and from the plurality of fixed wireless remote units," that does not appear to be explicitly taught by Fattouche, and in particular does not appear to be taught by the passage cited by in the Office Action. This argument also applies to dependent claims 2-4.

The Office Action refers to col. 3, lines 20-22, which reads in its entirety:

In an implementation of the invention for a local area network, each transceiver may be made identical except for its address.

This passage in Fattouche does not teach or suggest this limitation of claim 1. In fact, Fattouche includes no explicit teaching of packet data at all.

With regard to claim 3, nothing in Fattouche appears to teach or suggest the ability to de-assign the wireless voice traffic channels.

With regard to claim 5, Fattouche does not appear to teach or suggest “each wireless data traffic channel being identifiable by a unique combination of frequency and time slots” with regard to data traffic channels. This argument applies to claims 5-8.

The Office Action response makes a statement that Fattouche suggests something like this feature, which appears to be a concession that Fattouche does not teach this feature, as required in an anticipation rejection. The Office Action then makes an inherency argument, stating that Fattouche’s structure “could also be used for...”, indicating, even if this were true, that it is a possibility, not a necessity. The legal standard for necessity is

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (reproduced in MPEP 2112, emphasis in original).

The inherency argument of the Office Action does not meet this standard.

Claim 5 also requires “a plurality of wireless data traffic channels for carrying high speed data in addressed data packets”. This feature is not taught or suggested by Fattouche, as described above with relation to claim 1. This argument applies to claims 5-8.

Claim Rejections -- 35 U.S.C. § 103

Claims 9, 10, 12, 13, 15-18, 20-21, 23-24, and 26-29 were rejected as being unpatentable over Fattouche in view of McGibney (USP 5,889,759, hereinafter “McGibney”). These rejections are traversed.

With regard to claim 9, Fattouche does not appear to teach or suggest “for each frequency/time slot combination associated with the voice traffic channel ... demodulating the plurality of modulated tones for producing voice data of the voice communication call,” and certainly not in the passage cited by the Office Action. The current Office Action concedes this point. McGibney teaches demodulating, but the Office Action makes no showing at all that the alleged motivation to combine is found in the cited art. This argument applies to claims 9-10, 12, and 13, and a similar argument applies to claims 20-21 and 23-24.

Further with regard to claims 10, 16, and 27, neither Fattouche nor McGibney include any teaching at all regarding packet data transmission, as discussed above.

Further with regard to claims 12-13, 18, 23, 24, and 29, neither Fattouche nor McGibney include any teaching at all regarding data compression or decompression, and the Office Action makes no showing at all that such a feature is “necessary” as required for an inherency argument.

With regard to claim 15, nothing in Fattouche appears to teach or suggest the entire claimed process. While the office action identifies several functions in Fattouche that are similar to the claimed steps, these functions in Fattouche do not appear to be part of the same process or to operate on consistent data, as claimed. McGibney teaches demodulating, but the Office Action makes no showing at all that the alleged motivation to combine is found in the cited art. This argument applies to claims 15-18.

With regard to claim 26, while Fattouche does discuss the user of an analog-to-digital converter in col.12, Fattouche does not appear to actually disclose a digital-to-analog converter, as claimed. McGibney discloses an RF front end, an IF downconveter, and a DAC, but the Office Action makes no showing at all that the alleged motivation to combine is found in the cited art. This argument applies to claims 26-30.

SUMMARY

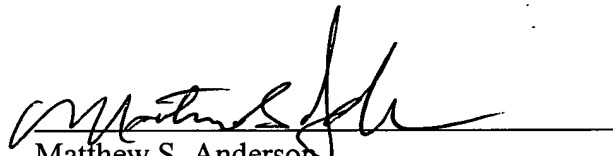
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, and before issuance of a further Office Action, the Applicant respectfully requests that the Examiner contact the undersigned at the telephone number indicated below or at *manderson@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 9/1/5


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